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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,151	05/02/2007	Svend Henry Frandsen	CM06621EC	8080
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MOTOROLA, INC 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER SARWAR, BABAR	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 11/25/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

Office Action Summary

Application No.

10/580,151

Applicant(s)

FRANDSEN ET AL.

Examiner

BABAR SARWAR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12-16, 18-22 and 25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8, 12-16, 18-22 and 25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admission of Prior Art (AAPA) in view of Lynk et al. (US 4821310), hereinafter referenced as AAPA and Lynk.

Consider **claim 1**, AAPA discloses a method of establishing a communication between at least two communication units in a digital communication (Fig.1, elements 102, 108). AAPA further teaches transmitting audio data blocks, wherein a first communication unit operates on a long delay link and a second communication unit operates on a short delay link (Para 004, fig. 1).

AAPA does not specifically disclose that the transmitting of audio data blocks is delayed on a site of the short delay link. Lynk teaches that the transmitting of audio data blocks is delayed on a site of the short delay link (Col. 1 lines 12-57, Col. 3 lines 5-36, Col. 4 lines 15-67, Col. 5 lines 44-54, and claim 1, and exhibited in figs. 2, 4, where Lynk discloses requesting permission to access a group of channels, immediately speaking without waiting for permission and assignment to a particular channels, recording the information and reproducing it upon assignment of the channel i.e. delaying transmission of audio data blocks).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA by specifically providing the transmitting of audio data blocks is delayed on a site of the short delay link, as taught by Lynk, for the purpose of decreasing an access delay and response time for channel seizure as discussed in Col. 2 lines 50-57.

2. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admission of Prior Art (AAPA) in view of Lynk et al. (US 4821310), and further in view of Mathis (US 2003/0119540 A1), hereinafter referenced as Math.

Consider **claim 2**, AAPA and Lynk disclose everything claimed as implemented above (see claim 1). In addition, the AAPA specifically teaches that initiating a call set-up phase (fig. 1, element 110) between a first Base Station (BS) and a second BS and a Call Processing Server (CPS), wherein the first BS operates on the long delay link and the second BS operates on the short delay link, sending by the CPS a Channel Grant instruction to the first BS and to the second BS (fig. 1, elements 102, 108, 106, 112, where AAPA also discloses short delay and long delay links).

The combination does not specifically disclose that joining by the first BS and the second BS a multicast group, creating a multicast tree, and transmitting the audio data blocks to the multicast tree. Math teaches that joining by the first BS and the second BS a multicast group, creating a multicast tree, and transmitting the audio data blocks to the multicast tree (Abstract, Para 0002-0004, 0009-0015, and figs. 1-4).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA and Lynk by specifically providing that joining by the first BS and the second BS a multicast group, creating a multicast tree, and transmitting the audio data blocks to the multicast tree, as taught by Math, for the purpose of distributing presence information to users in order for user to decide delaying initiating a group call and initiating communication to an alternate group or groups as discussed in Para 0003.

Consider **claim 3**, AAPA, Lynk, and Math disclose everything claimed as implemented above (see claim 2). In addition, the AAPA specifically teaches that a value of the delay added on the short delay link is approximately equal to twice a difference between a value of a one way propagation time on the long delay link and a one way propagation time on the short delay link (Para 004, Fig. 1, where AAPA discloses short delay and long delay links).

Consider **claim 4**, AAPA, Lynk, and Math disclose everything claimed as implemented above (see claim 3). In addition, the AAPA specifically teaches that the one way propagation times on the short delay link and on the long delay link are predefined and provided by the first BS and the second BS (Para 004, fig. 1 elements 102, 108).

Consider **claim 5**, AAPA, Lynk, and Math disclose everything claimed as implemented above (see claim 3). In addition, the AAPA specifically teaches the one way propagation times on the short delay link and on the long delay link are measured by a network infrastructure (fig.1, element 106).

Claim 6, as analyzed with respect to the limitations as discussed in claim 5.

Consider **claim 7**, AAPA, Lynk, and Math disclose everything claimed as implemented above (see claim 2). In addition, the AAPA specifically teaches the first base station, the second base station and channel grant instructions to first and second base stations. However, AAPA does not specifically disclose that transmitting of the audio data blocks is delayed by delaying sending the Channel Grant instruction. Lynk discloses transmitting of the audio data blocks is delayed by delaying sending the Channel Grant instruction (Col. 1 lines 12-57, Col. 3 lines 5-36, Col. 4 lines 15-67, Col. 5 lines 44-54, and claim 1, and exhibited in figs. 2, 4)

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA and Math by specifically providing the transmitting of the audio data blocks is delayed by delaying sending the Channel Grant instruction, as taught by Lynk, for the purpose of decreasing an access delay and response time for channel seizure as discussed in Col. 2 lines 50-57.

Consider **claim 8**, AAPA, Lynk, and Math disclose everything claimed as implemented above (see claim 2). In addition, the AAPA specifically teaches the second BS (fig. 1, element 108), a Rendezvous Point (RP) router (fig.1, element 104), the second communication unit (fig. 1, element 108), and the CPS (fig. 1, element 106). AAPA does not specifically disclose that transmitting of the audio data blocks is delayed by buffering the audio data blocks. Lynk teaches that transmitting of the audio data blocks is delayed by buffering the audio data blocks (Col. 4 lines 15-67, Col. 5 lines 1-54, and fig. 2 element 29, fig. 5 element 69).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA and Math by specifically providing the transmitting of the audio data blocks is delayed by buffering the audio data blocks, as taught by Lynk, for the purpose of decreasing an access delay and response time for channel seizure as discussed in Col. 2 lines 50-57.

Consider **claim 12**, AAPA, Lynk, and Math disclose everything claimed as implemented above (see claim 5). In addition, the AAPA specifically teaches that a pinging procedure is used for the measuring (Para 0004, Fig.1, element 106).

Consider **claim 13**, AAPA and Lynk disclose everything claimed as implemented above (see claim 1). In addition, the Lynk specifically teaches the delay dynamically varies, while any one of the communication units switches to another link with a different one way propagation time (Col. 1 lines 12-57, Col. 3 lines 5-36, Col. 4 lines 15-67, Col. 5 lines 44-54, and claim 1, and exhibited in figs. 2, 4).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA by specifically providing the delay dynamically varies, while any one of the communication units switches to another link with a different one way propagation time, as taught by Lynk, for the purpose of decreasing an access delay and response time for channel seizure as discussed in Col. 2 lines 50-57.

Consider **claim 14**, AAPA and Lynk disclose everything claimed as implemented above (see claim 1). In addition, Lynk specifically discloses that the first communication

unit and the second communication unit notify their users that they operate on a connection with a long delay (Col 2 lines 47-58, Col. 3 lines 5-21, figs. 2 and 5).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA by specifically providing the first communication unit and the second communication unit notify their users that they operate on a connection with a long delay, as taught by Lynk, for the purpose of decreasing an access delay and response time for channel seizure as discussed in Col. 2 lines 50-57.

Claim 15, as analyzed with respect to the limitations as discussed in claim 14.

Consider **claim 16**, AAPA and Lynk disclose everything claimed as implemented above (see claim 1). In addition, Lynk specifically discloses that the communication between the first communication unit and the second communication unit is at least one of a simplex communication and a duplex communication (Abstract).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA by specifically providing that the communication between the first communication unit and the second communication unit is at least one of a simplex communication and a duplex communication, as taught by Lynk, for the purpose of decreasing an access delay and response time for channel seizure as discussed in Col. 2 lines 50-57.

Consider **claim 18**, AAPA and Lynk disclose everything claimed as implemented above (see claim 1). In addition, Lynk specifically discloses that the communication between the first communication unit and the second communication unit is secured by

an end-to-end encryption (Abstract, Col. 1 lines 12-57, Col. 3 lines 5-36, Col. 4 lines 15-67, Col. 5 lines 44-54, and claim 1, and exhibited in figs. 2, 4, 5).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA by specifically providing that the communication between the first communication unit and the second communication unit is secured by an end-to-end encryption, as taught by Lynk, for the purpose of decreasing an access delay and response time for channel seizure as discussed in Col. 2 lines 50-57.

Consider **claim 19**, AAPA and Lynk disclose everything claimed as implemented above (see claim 1). In addition, Lynk specifically discloses that synchronization data blocks replace a corresponding amount of the audio data blocks at a beginning of data stream. (Abstract, Col. 1 lines 12-57, Col. 3 lines 5-36, Col. 4 lines 15-67, Col. 5 lines 44-54, and claim 1, and exhibited in figs. 2, 4, 5).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA by specifically providing that synchronization data blocks replace a corresponding amount of the audio data blocks at a beginning of data stream, as taught by Lynk, for the purpose of decreasing an access delay and response time for channel seizure as discussed in Col. 2 lines 50-57.

Consider **claim 20**, AAPA and Lynk disclose everything claimed as implemented above (see claim 1). In addition, AAPA teaches that the communication between the at least two communication units is a call using a direct set-up method (Fig. 1 element 110).

Consider **claim 21**, AAPA and Lynk disclose everything claimed as implemented above (see claim 1). In addition, Lynk specifically discloses that transmitting audio data blocks is delayed in a first speech item (Abstract, Col. 1 lines 12-57, Col. 3 lines 5-36, Col. 4 lines 15-67, Col. 5 lines 44-54, and claim 1, and exhibited in figs. 2, 4).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA by specifically providing that transmitting audio data blocks is delayed in a first speech item, as taught by Lynk, for the purpose of decreasing an access delay and response time for channel seizure as discussed in Col. 2 lines 50-57.

Consider **claim 22**, AAPA and Lynk disclose everything claimed as implemented above (see claim 1). In addition, AAPA teaches that first communication unit and second communication unit operate in different communication systems (Fig. 1 elements 102, 108).

Consider **claim 25**, AAPA and Lynk disclose everything claimed as implemented above (see claim 1). In addition, Lynk specifically discloses the first communication unit is a TETRA radio or an ASTRO/APCO radio or an IDEN radio, a GSM radio, a GSM-R radio or any radio in a digital radio system utilizing a low rate vocoder (Abstract, Col. 1 lines 12-57, Col. 3 lines 5-36, Col. 4 lines 15-67, Col. 5 lines 44-54, and claim 1, and exhibited in figs. 1-5).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify AAPA by specifically providing that transmitting audio data blocks is delayed in a first speech item, as taught by Lynk, for the purpose of

decreasing an access delay and response time for channel seizure as discussed in Col. 2 lines 50-57.

Claims 9, 10, 11, 17, 23, 24 have been cancelled.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 09:30 A.M -05:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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